

Code Change Policy

Governance of Columbus City Codes is one of Council's primary responsibilities, and the impact that code changes have can be broad, significant, and can carry risk. Even minor changes can have unknown negative consequences on interested parties that may or may not have been involved in the formation of new or amended code provisions. For these reasons, we propose to follow a comprehensive policy around code changes. This policy will be enacted for all code changes that would be proposed after the 5/20/24 Council meeting, and will be included in the Clerk's office guidelines for drafting legislation moving forward.

Universal Principles:

1. Unless there are extraordinary circumstances, code changes are never adopted as emergency measures.
 - a. If code changes must be passed as an emergency, the content of the code change and a corresponding fact sheet must be published in a widely-available format for no less than 14 days prior to passage.
2. All significant code changes should be subject to a public hearing, ideally prior to appearing on a Council agenda for a first reading. Recognizing that "significant" is subjective, significant code changes would be considered anything for which we would rationally expect feedback or input from interested external parties.
 - a. An exception to this would be changes that do not enact what we would normally consider to be substantive policy changes, or anything objectively non-controversial; for example, an ordinance to clean up previously authorized code changes because of drafting errors.
3. All code changes should be accompanied by a fact sheet, the format of which will be prescribed by the Clerk's Office, and distributed to Councilmember offices and staff well in advance (i.e. at least 5 working days) of a public hearing. It is incumbent upon drafters to complete the fact sheet and ensure that it has been distributed to Councilmember offices.
4. Drafters should be able to demonstrate that they have completed a thorough community engagement process to determine the scope of interested parties and that questions or concerns by said parties have been addressed well in advance of requesting a code change to appear on a Council agenda.

For Code Changes Proposed by the Administration, Attorney, or Auditor:

1. It is strongly recommended that drafters work with Council offices to set up no fewer than two briefing sessions during which Councilmembers can be briefed on the details of a proposed code change and to allow them to ask questions of administration/Attorney/Auditor staff.

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DRAFTING OFFICE/DEPARTMENT**Fact Sheet:** Proposed Changes to [insert title, chapter, etc.]**Drafter:****Department Requesting Code Change:**

Development

Drafter:

Heather Treanor/ Graham Bowman

Email and Phone:hrtreanor@columbus.gov/ 645-8795**Columbus City Code Title Being Amended/Created/Repealed:**

To amend Columbus City Codes Section 329.35

What is the overall purpose of this code change? *Summarize the general themes of the code change(s) and the need for these changes. Please utilize language and descriptors that would be easily understandable by the general public.*

To provide the prospective authorization necessary to allow City Departments to honor reimbursement requests from not for profit partners serving vulnerable populations for valid expenditures on food that were incurred prior to the date the legislation was passed but within the Agreement Term.

Why is this code change needed? *Examples: Correcting a drafting error; bringing code into alignment with changes to state law. For other policy changes, it may be necessary to provide a much more in-depth rationale in the section.*

For most types of expenses, departments may enter into a contract that allows for reimbursement of valid expenses that were incurred prior to the date the legislation was enacted, as long as the authorizing legislation and the contract allows for such expenses within that timeframe. Food and beverage expenses are the exception- currently, departments that administer contracts which include food/beverages as an allowable expense are not able to reimburse organizations for expenses that were incurred prior to the date the authorizing legislation was passed.

This problem is caused by an Ohio Attorney General Advisory Opinion from 1982.¹ The Advisory Opinion addresses the use of public funds to pay for meals for public employees. The Opinion states that such expenses are only valid if they were legislated prospectively. While the opinion does not address public funds given to social service agencies, it applies nonetheless.

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What would be the impact of not adopting this code change?

Due to the timing of the City's budget process, it is impossible to legislate a contract with a term start date of January 1st without creating a funding gap related to food expenses that can't be reimbursed. Typically, City Council passes the budget in January/ February each year- after that has occurred, Development legislates its annual contracts with the Community Shelter Board and other not-for-profit partners in March. As a result, our partners cannot seek reimbursement from the City for food expenses that were incurred prior to that date in March. Additionally, if there are any delays in the legislative process, even larger unanticipated deficits in their budgets are created that cannot be resolved

Are there any operating or capital budget cost/savings implications for this code change?

These may be direct or in-direct, and please also consider long-term impact.

No, but should result in administrative efficiencies for the City and partner agencies.

Describe the community engagement process regarding this code change. What residents, impacted parties, and constituents may be affected? Have they been engaged, and how so? How was their feedback incorporated (or not incorporated) into this code change?

Over the last year we have worked closely with the Community Shelter Board to navigate the budget issues and documentation requirements that are a result of the current policy- that has informed the development of the code change. We have also heard general feedback from other Departments who are navigating similar issues related to food costs that are a key part of program delivery to residents.

Will this code change take effect with the ordinance, or is there a delayed effective date

It will take effect with the ordinance



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